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MAINE INLAND
FISH AND GAME LAWS.
1903 REVISION.

1903 EDITION

OF THE

Inland Fish and Game Laws

OF THE

STATE OF MAINE.

Contains all the Inland Fish and Game Laws.

COMPILED BY L. T. CARLETON.

Of the Commission and published by order of the
Legislature.

Commissioners:

L. T. CARLETON.

H. O. STANLEY.

E. E. RING.

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PART FIRST.

WHEN YOU CAN FISH AND WHEN YOU CANNOT FISH.

THE GENERAL LAW PROVIDING FOR AN "OPEN" AND "CLOSE SEASON" ON LAND- LOCKED SALMON, TROUT, TOGUE AND WHITE PERCH.

"OPEN" AND "CLOSE SEASON" DEFINED.

Chapter 30 of the revised statutes, as amended by section 22 of chapter 42 of the public laws of 1899, and as amended by section 3 of chapter 222 of the public laws of 1901, (which is section 18 of chapter 30 of the new edition of the statutes) provides, "The words 'close season' and 'close time' shall mean the time or period during which it is unlawful to hunt, shoot, wound, trap, or destroy any bird or animal, or fish for or catch any fish, and the words 'open season' shall mean the time or period during which it shall be lawful to take these animals, fish and birds as specified and limited by law."

THE LAWS RELATING TO FISH AND FISHING ARE AS FOLLOWS:

Chapter 30 of the revised statutes, as amended by section 5 of chapter 42 of the public laws of 1899, and chapter 225, public laws 1903, (which is section 1 of chapter 30 of the new edition of the revised statutes), provides that,

"There shall be an annual close time for landlocked salmon, trout, togue and white perch, as follows: for landlocked salmon, trout and togue, from the first day

of October until the ice is out of the pond, lake or river fished in the following spring of each year, except on the St. Croix river and its tributaries, and on all the waters of Kennebec county, in which the close time shall be from the fifteenth day of September until the ice is out of the ponds and lakes the following spring, and in Franklin county in which the close time shall be from October first till May first, and except Sebago lake, in Cumberland county, on which the close time shall be from October first to April first, and except Wilson pond in Wilton, in Franklin county, on which the close time shall be from October first until the ice is out of said lake the following spring; but for white perch, the close time shall be from the first day of April to the first day of July; no person shall take, catch, kill or fish for, in any manner, any landlocked salmon, trout, togue, or white perch in any of the waters of this State or have the same in possession, in close time, under a penalty of not less than ten dollars nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken, or killed; provided, however, that any person lawfully trolling for trout, landlocked salmon, or togue, in good faith, who shall accidentally hook or catch a white perch may lawfully keep the same; and provided, that during February, March and April, citizens of this State may fish for and take landlocked salmon, trout, and togue, with not more than five set lines for each family, when fishing through the ice in the day time, and when under the immediate personal superintendence of the person fishing, and may convey them to their own homes for consumption therein, but not otherwise; but no citizen of the State during this time shall be permitted to catch more than twenty pounds or one fish, of any of the above named fish in any one day."

PROHIBITED DEVICES IN FISHING.

Chapter 30 of the revised statutes, as amended, (which is section 2 of chapter 30 of the new edition of the revised statutes), provides that,

“Whoever fishes for, takes, catches, kills, or destroys any fish, with fish spawn or grapnel, spear, trawl, weir, seine, trap, or set lines, except when fishing through the ice, and then with not more than five set lines in the day time, or with any device, or in any other way than by the ordinary mode of angling with single baited hooks and lines, artificial flies, artificial minnows, artificial insects, spoon hooks and spinners, so called, shall be fined not less than ten nor more than thirty dollars for each offense; and when such prohibited implements or devices are found in use or possession, they are forfeit and contraband, and any person finding them in use, may destroy them.”

(Note.—It is lawful to use a dip or landing net to land your fish after you have caught it).

Chapter 30 of the revised statutes, as amended. (which is section 4 of chapter 30 of the new edition of the revised statutes), provides that,

DYNAMITE AND OTHER EXPLOSIVES PROHIBITED.

“No person shall use dynamite or other explosives or any poisonous or stupefying substance whatever, for the purpose of destroying or taking fish, under a penalty of one hundred dollars and, in addition thereto, two months’ imprisonment in the county jail for each offense.”

MAY TAKE MINNOWS AND OTHER BAIT FISH FOR ONE’S OWN USE.

Chapter 30 of the revised statutes, as amended, (which is section 2 of the new edition of the revised statutes), provides that,

"It shall be lawful to take minnows and other bait fish, commonly used for live bait, for one's own use in fishing, in any of the closed streams in this State, and to take smelts for consumption in the family of the person taking them."

NUMBER OF POUNDS OF TOGUE THAT MAY BE TAKEN IN ANY ONE DAY.

Chapter 146 of the public laws of 1901, (which is section 3 of chapter 30 of the new edition of the revised statutes), provides that,

"It shall be lawful for inhabitants of this state when fishing through the ice in the day time, during the months of February, March and April as now provided by law, to take, catch and have in possession 40 pounds of togue instead of 20 pounds as now provided by law."

LENGTH OF SALMON AND TROUT THAT MAY BE TAKEN.

Chapter 30 of the revised statutes, as amended, (which is section 42 of chapter 30 of the new edition of the revised statutes), provides that,

"Whoever kills or destroys any sea salmon or landlocked salmon less than nine inches in length, or any trout less than five inches in length, forfeits five dollars for the offense and fifty cents for every landlocked salmon or trout so killed or destroyed. Whoever has in possession any salmon or trout of less than the above dimensions shall be deemed to have taken it in violation of this section."

IT IS UNLAWFUL TO CATCH OR TRANSPORT OR HAVE IN POSSESSION MORE THAN TWENTY-FIVE POUNDS OF TROUT, LAND- LOCKED SALMON OR WHITE PERCH IN ANY ONE DAY.

Chapter 30 of the revised statutes, as amended, (which is section 3 of the new edition of the revised statutes), provides that,

"No person shall transport more than twenty-five pounds of landlocked salmon, trout, togue, or white perch, in all, at any one time; nor shall any such be transported except in the possession of the owner thereof, plainly labelled thereon with the owner's name and residence, except as is provided in section 26 of this chapter; nor shall any corporation transport more than twenty-five pounds in all, of said fish, at one time, as the property of any one person; nor shall any person take, catch, kill, or have in possession in any one day more than twenty-five pounds in all, of the above named fish, (except as provided in section 1 as to fishing for togue through the ice). Whoever violates any of the provisions of this section shall be punished by a fine of fifty dollars for each offense and one dollar for every pound of fish so taken or being transported, in excess of twenty-five pounds; and all such fish being so transported or taken in violation of this section may be seized and shall be forfeited to the State. Whoever has in his possession more than twenty-five pounds in all, of said fish, shall be deemed to have taken them in violation of this section; provided, however, that the taking of one fish additional having less than twenty-five pounds, or less than twenty pounds (of any fish except togue, or less than forty pounds of togue,) when fishing through the ice, shall not be regarded as a violation of the law."

INTRODUCTION OF CERTAIN BIRDS, FISH AND ANIMALS PROHIBITED.

Chapter 30 of the revised statutes, as amended, (which is section 5 of chapter 30 of the new edition of the revised statutes), provides that,

"Whoever introduces fish of any kind into any of the waters of the state by means of live fish or otherwise, or whoever introduces wild birds or wild animals of any kind or species, into the state except upon written

permission of the commissioners of inland fisheries and game, shall forfeit not less than fifty dollars nor more than five hundred dollars."

POSSESSION OF JACK LIGHTS, SPEARS, TRAWLS, NETS, ILLEGAL, WHEN.

Chapter 30 of the revised statutes, as amended, (which is section 5 of chapter 30 of the new edition of the revised statutes), provides that,

"The having in possession of any jack light, spear, trawl, or net, other than a dip net, in any camp, lodge, or place of resort for hunters or fishermen, in the inland territory of the state, shall be prima facie evidence that the same are kept for unlawful use; and they may be seized by any officer authorized to enforce the inland fish and game laws. Whoever is convicted of having any of the above named implements in his possession unlawfully as aforesaid, shall be fined fifty dollars and costs of prosecution."

EELS, SUCKERS, WHITE FISH AND CUSK.

Chapter 30 of the revised statutes, as amended, (which is section 6 of chapter 30 of the new edition of the revised statutes), provides that,

"In closed waters where eels, suckers, cusk and white fish abound, the commissioners may grant permits to take the same and dispose of them for food purposes; and where an exclusive right is granted to take eels in any river or stream or part thereof, they may grant such permit upon such terms as they deem reasonable, and such permits shall expire with the calendar year; and it shall be lawful to take suckers with spears or hook and line in any closed tributaries from the time the ice goes out in the spring until June first."

PROTECTION OF SCREENS.

Chapter 289 of the public laws of 1901, (which is section 34 of the new edition of the revised statutes), provides that,

"Whoever shall take up, destroy or injure any screen erected at the outlet of any lake or pond by authority of the Commissioners of Inland Fisheries and Game, shall be punished by a fine not exceeding fifty dollars."

COMMISSIONERS OF INLAND FISHERIES AND GAME—THEIR APPOINTMENT, POW- ERS AND DUTIES.

Chapter 30 of the revised statutes, as amended, (which is sections 28 to 41 inclusive, of the new edition of the revised statutes), provides that,

"Sec. 28. The governor, with the advice and consent of the council, shall appoint three persons to be commissioners of inland fisheries and game, one of whom shall be the land agent of the state and shall hold the office so long as he shall continue to be land agent; the other two commissioners shall hold their office for three years, and until their successors are appointed and qualified. Said commissioners shall be provided with an office in the State capitol, with suitable furniture, stationery, and other facilities for the transaction of the business of the department, and they may appoint a clerk.

"Sec. 29. The commissioners of inland fisheries and game shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fishways, and the location, form and capacity thereof; and shall introduce and disseminate valuable species of food fish into the inland waters of the State, and valuable food birds into the State. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They shall annually on or before the 31st day of December, report to the governor.

"Sec. 30. The commissioners of inland fisheries and game shall have authority, upon petition of five or more citizens of the State, or whenever they shall deem it for the best interests of the State, after due notice and pub-

lic hearing in the locality to be affected, to regulate the times and places in which and the circumstances under which game and inland fish may be taken; but they cannot authorize the taking of game or inland fish at a time in which its capture is prohibited by the laws of the State, and in all cases where the prayer of the petitioners is refused, one-half of the expenses of the commissioners shall be paid by the petitioners. Whenever they deem it for the best interests of the State, after like notice and hearing, they may entirely prohibit the taking of any kind of game or inland fish, in any part of the State, for a series of years not exceeding four. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the State, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the State, in conformity with the provisions of the last two preceding sections. They shall file, in the office of the clerks of the cities, towns, and plantations in the territory to be affected, a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county, and post on the banks of waters to be affected, as nearby as may be like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county and published three weeks successively in a newspaper printed in the county; they shall also immediately upon the adoption of any rules and regulations contemplated by this act, file an attested copy of the same in the office of the secretary of state.

"Sec. 31. Whoever fishes for, takes, catches, kills, or destroys any inland fish, in any manner or at any time, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal .

taking, catching, killing or destroying of any such inland fish.

"Sec. 32. Whoever at any time or in any manner hunts, chases, catches, kills, takes, has in possession, or destroys any inland game, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal hunting, chasing, catching, killing, taking, having in possession, or destroying of any such inland game.

"Sec. 33. Whoever wilfully mutilates, defaces or destroys any notice, rule, or regulation of the commissioners of inland fisheries and game, posted in conformity with the provisions of this chapter, shall be punished by a fine not exceeding fifty dollars, to be recovered by complaint or indictment; and one-half of said fine shall be paid to the prosecutor.

"Sec. 34. Said commissioners of fisheries and game may take fish and game of any kind when, where, and in such manner, as they choose, for the purposes of science and of cultivation and dissemination, and they may grant written permits to other persons to take fish and game for the same purposes, and may introduce or permit to be introduced, any kind of fish into any waters. They may, after a hearing, set apart, for a term not exceeding ten years, any waters for the use of themselves, or of the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and of scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds of the county in which they are situated. In the waters so set apart, they and the United States commissioner of fish and fisheries, and persons acting under their authority may, in their respective fish culture and scientific work, take fish at any time or in any manner, and erect and maintain any fixtures necessary for such purposes. No other person

shall take or kill any fish, or use any implement for fishing therein, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed; provided, however, that before such hearing they shall give notice thereof, by publication of their intention for two successive weeks in at least one newspaper printed in the county where such waters lie. They are authorized to grant permission to take moose, caribou, deer, and birds for park purposes in this State, under such rules, regulations, and conditions as they shall establish. They may, under such rules and regulations as they may establish, permit the taking of eels and white fish in the inland waters of the State. They shall have authority to cause the destruction of all mink found in or around any fish hatchery or feeding station in this State. They may upon petition of ten or more taxpayers, residents in the locality, adopt such needful rules and regulations, not contrary to the general laws of the State, as may be necessary to prevent the interference with, or the destruction of the spawning beds, feeding troughs, or artificial ponds of landlocked salmon or trout, or other useful fish. The penalty for the wilful violation of any of such rules and regulations shall be fifty dollars for each offense. The commissioners may at their discretion, screen the outlet of any pond or lake or authorize the same to be done under such conditions as may seem to them just.

FISHWAYS.

“Sec. 35. The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, alewives, or landlocked salmon, shall provide the same with a durable and efficient fishway, of such form and capacity, and in such location as may, after notice in writing to one or more of said owners or occupants and a hearing thereon, be determined by the commissioners of inland fisheries and game by written notice to some owner or occu-

pant specifying the location, form, and capacity of the required fishway, and the time within which it shall be built; and said owner or occupant shall keep said fishway in repair, and open and free from obstruction for the passage of fish, during such times as are prescribed by law; provided, however, that in case of disagreement between said commissioners and the owner or occupant of any dam, as to the propriety and safety of the plan submitted to the owner or occupant of such dam for the location and construction of the fishway, such owner or occupant may appeal to the county commissioners of the county where the dam is located, within twenty days after notice of the determination, to the commissioners of inland fisheries and game by giving to the latter named commissioners notice in writing of such appeal within that time, stating therein the reasons therefor; and at the request of the appellant or the commissioners of inland fisheries and game the senior commissioner in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties and give due notice thereof, and after such hearing they shall decide the question submitted, and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If the requirements of the commissioners of inland fisheries and game are affirmed, the appellants shall be liable for the costs arising after the appeal, otherwise they shall be paid by the county. If a fishway thus required is not completed to the satisfaction of the commissioners of inland fisheries and game within the time specified, every owner or occupant shall forfeit not more than one hundred nor less than twenty dollars for every day of such neglect between the first days of May and November. On the completion of a fishway to the satisfaction of the commissioners of inland fisheries and game, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy

of such writing shall be served on the owner or occupant of the dam. The commissioners of inland fisheries and game may change the time as they see fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. The penalty for neglecting to comply with this section, or with any regulations made in accordance herewith, is not less than twenty nor more than one hundred dollars for every day of such neglect.

"Sec. 36. Whenever the commissioners of inland fisheries and game find a fishway out of repair or needing alterations, they may, as in the case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases and the penalty for neglect shall be as provided in the three preceding sections, without appeal. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway, in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway, the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses. If the owner or occupant of such dam resides out of the State, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial court in the county where it is located, in the name of the commissioners of inland fisheries and game or of any fish wardens who shall give to such owner or occupant, and all persons interested therein, such notice as the court or any justice thereof in vacation, orders, and the court may render judgment therein, against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection and maintenance or repair of said fishway. The commissioners of inland fisheries and game may dele-

gate to any fish warden or other lawful officer of fisheries any of the powers given to said commissioners in relation to the construction of fishways."

ARTIFICIAL CULTURE OF FISH BY PRIVATE PERSONS.

"Sec. 40. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes; provided that he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials, in places where the same have a right to pass. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for cultivation and propagation; but he shall not sell them for food at seasons when the taking thereof is prohibited, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold. Any person engaged in the artificial propagation of trout, or fresh and salt water salmon, when the parent fish are taken from the public waters in the State, shall retain not less than twenty-five per cent of all eggs taken from said parent fish, and shall cause the same to be properly cared for and hatched, and, when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent fish to be returned to safe locations in such waters, under a penalty of not less than fifty nor more than five hundred dollars for each offense. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who

may affix such conditions to their permits as they see fit, requiring in no case, however, less than twenty-five per cent. of the young fish to be returned, as provided in this section.

"Sec. 41. No person without permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained by written permission of the fish commissioners, under a penalty of not less than ten nor more than one hundred dollars, besides two dollars for each fish so taken or killed; and, in default of payment, such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

"Sec. 37. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners; that is to say, Royall river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damariscotta mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin, and Sullivan, Pleasant river in Washington county, East Machias river, and the Eastern Penobscot river in Orland. Little river in Perry shall be exempt from all the foregoing provisions that relate to maintaining fishways in said river, except during April, May and June.

"Sec. 38. For the purposes of this chapter, the term 'salmon' means the common migratory salmon of the sea coast and rivers; the term 'landlocked salmon' means any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same locally known as 'salmon trout' and 'black spotted trout;' the term 'alewife' means the small species of migratory fish called 'alewife' but known also by the local names of 'herring' and 'gaspereau,' and also includes the similar species found in tidal

waters and known as 'blue-back;' and the term 'bass' means the striped bass of tidal waters.

"Sec. 39. The provisions of this chapter so far as they relate to fish apply to the taking of the same in all fresh waters above the flow of the tide and in all tidal waters frequented by the various species of fresh water and migratory fishes, except to the capture of shad and alewives in Dennys' river and its tributaries, Pemmaquam river and its tributaries, and the Schoodic lakes and their tributaries, and to the taking of white fish in the Schoodic lakes on the St. Croix river and their tributaries, by citizens of the State with set nets, during the months of May and November, and conveying them to their own homes, but not otherwise. This chapter does not apply to fish taken in the weirs on St. Croix river, and does not repeal the laws relating to the St. Croix, Denny's, Pemmaquam, Cobscook, East Machias, and Narraguagus rivers."

ALL OF THE PRIVATE AND SPECIAL LAWS RELATING TO FISHING THROUGH THE ICE, CLOSING OF TRIBUTARIES OR PONDS, MANNER OF FISHING, OR FLY FISHING, IN CERTAIN WATERS, AND NUMBER OF FISH THAT MAY BE TAKEN IN ONE DAY FROM CERTAIN WATERS, ARRANGED BY COUNTIES.

Chapter 407 of the private and special laws of 1903, which is a consolidation of all private and special laws relating to inland fisheries, is as follows:

Section 1. The provisions of the general law pertaining to fishing through the ice by residents of the State, during February, March and April of each year, shall not apply to any of the following named lakes and ponds,—and it shall be unlawful to fish through the ice in the same for any kind of fish,—to wit:

IN ANDROSCOGGIN COUNTY: Allen pond, so called, in Greene, Lake Auburn in Auburn, Brettuns pond in

Livermore, and Androscoggin pond situated partly in this county and partly in Kennebec county.

IN AROOSTOOK COUNTY: Number Nine lake in Township 9, Range 3, (and the close time on this lake shall be from October first to June first of the following year;) Ross and Conroy lakes in Littleton and Monticello,—(and it shall be unlawful to fish in these last named lakes at any time before April 22, 1906.)

IN CUMBERLAND COUNTY: Sabbathday pond in New Gloucester, Thomas pond in Raymond and Casco, Little Sebago pond, or lake, in Gray and Windham, and Great Watchic pond in Standish, (in which last named pond the close time shall be from October 1st to May 1st of the following year.)

IN FRANKLIN COUNTY: In all of the ponds and lakes situated wholly or partly in Franklin county except Pease pond in Wilton,—(in which it shall be lawful to fish through the ice, as provided in the general law, on Saturdays of each week during the months of February, March and April of each year,) and Indian pond, situated partly in Franklin and partly in Somerset county, (in which last named pond it shall be lawful to fish through the ice as provided in the general law.)

IN HANCOCK COUNTY: Noyes' pond in Bluehill, Eagle lake, Bubble pond sometimes called Turtle lake, Jordan pond and Long pond on Mt. Desert Island, Crocker pond and Pickerel pond in Township 32, Middle Division, Green lake, sometimes called Reed's pond, situated wholly or partly in Ellsworth, (in which last named lake it shall be lawful to fish, as provided in the general law, on Fridays and Saturdays of each week, during the months of February, March and April, of each year,) and First or Billings pond in the town of Bluehill, (in which last named pond the close time shall be from October 1st to May 1st of the following year.)

IN KENNEBEC COUNTY: Cobbosseecontee lake situated partly in Winthrop, Annabessacook lake and The Narrows pond situated in Winthrop, Lake Maranocook situated partly in Winthrop, Jimmy pond in Litchfield,

Androscoggin pond situated partly in Wayne, Great, Long, East, North, Little, Ellis, McGraw and Snow ponds situated wholly or partly in this county, Flying pond in Vienna, and Three-Mile pond in China, Windsor and Vassalboro, (in which last named pond it shall be lawful to fish for pickerel, as provided in the general law, on Saturdays of each week, for consumption in the family of the person taking the same.)

IN KNOX COUNTY: Crystal lake in Washington, Grassy pond in Hope and Rockport; provided, further, that it shall be unlawful to fish for any kind of fish at any time in said Grassy pond before May first, 1904.

IN LINCOLN COUNTY: Dyers pond in Jefferson.

IN OXFORD COUNTY: It shall be unlawful to fish through the ice for any kind of fish in the following named lakes and ponds in Oxford county, to wit: In all the lakes and ponds situated wholly or partly in this county, except North and Bird ponds in the town of Norway, the Five Kezar's, Moose, Bear, Long, Two Speck, Pappoose and McWain ponds in the town of Waterford, Kneeland, Burnt Land, Songo and Crooker ponds in the town of Albany, Proctor pond in the towns of Albany and Stoneham, Upper Stone and Horse Shoe ponds in Stoneham, Bradley, Farrington and Slab City ponds in the town of Lovell, Moose, Beaver, Long, Grandeur and Little ponds in Denmark, Lower Kezar, Lovewell's, Clay, Haley, Charles, Pleasant, Lower Kimball and Bog ponds situated wholly or partly in Fryeburg, Rattle Snake and Burnt Meadow ponds in Brownfield, Moose and Mud ponds in Paris, Round and Twitchell ponds in Greenwood, Hogan and Whitney ponds in Oxford, the two Clemons ponds, Middle, Barker, and South East ponds in Hiram, Bungamuck pond in Hartford, Keyes and Stearns ponds in Sweden, Bickford, Long and Colcord ponds in Porter, Thompson pond situated partly in Oxford and partly in Cumberland county, North pond in Greenwood and Woodstock, in which ponds it shall be lawful to fish through the ice, as provided in the general law, during the

months of February, March and April of each year; (provided, however, that it shall be unlawful to fish for any kind of fish, at any time, in Indian pond in Greenwood before April first, 1906.)

IN PENOBSBOT COUNTY: It shall be unlawful to fish through the ice for any kind of fish in Cold Stream pond in Enfield.

IN PISCATAQUIS COUNTY: It shall be unlawful to fish through the ice for any kind of fish in any of the lakes and ponds lying wholly or partly in Piscataquis county, except the following named lakes and ponds, in which it shall be lawful to fish through the ice as provided in the general law, to wit: Sebocis lake, Boyd lake, (provided, further, that it shall be lawful to fish through the ice in Boyd lake for pickerel only during December and January of each year), Cedar lake, Ebemee ponds, Schoodic lake, North and South Twin lakes, Pamadumcook lake, Ambajejus lake, Debsconeag lake, Nahmakanta lake, Chesuncook lake, Sebec lake, First Buttermilk pond, Big Benson pond, Big Huston pond, Center pond in Sangerville, Moosehead lake, Jo Mary lake, Caribou lake, Lobster lake, Chamberlain lake, Telos lake, Webster lake, Eagle lake, Allagash lake, Munsungan lake, Millinockett lake, Caucongomoc lake, Churchill lake, Chemquassabamticook lake, Grand lake, Second lake, Ragged lake, Pepper pond, Whetstone pond, and Large Greenwood pond in Elliottsville and Willimantic.

IN SOMERSET COUNTY: It shall be unlawful to fish through the ice for any kind of fish in any of the lakes and ponds lying wholly or partly in Somerset county, except the following named lakes and ponds, in which it shall be lawful to fish through the ice as provided in the general law, to wit: Moosehead lake, Palmer pond in Mayfield, Ellis, Round and Ten-Thousand-acre ponds, in Township 1, Range 6, W. K. R., B. K. P., known as the Ten-Thousand-acre township, Rowell pond in Solon, Smith pond in Cornville, Oaks pond in Cornville, Pickerel pond in Flagstaff, Gilman pond in Lexington, Pierce pond in Township 2, Range 4, Sibley

pond in Canaan, Fahi and Sandy ponds in Embden, Wyman and Weeks ponds in Brighton, Moose, Mud, Starbird and Stafford ponds in Hartland, Hancock pond in Embden, Indian pond in St. Albans, Indian pond situated partly in Franklin and partly in Somerset county, White and Douglass ponds in Palmyra, Gammon pond situated partly in Somerset and partly in Franklin county, and Big Carry pond.

IN WASHINGTON COUNTY: It shall be unlawful to fish through the ice for any kind of fish in Narraguagus lake in Beddington; (Grand Lake stream, the outlet of Grand lake, in Washington county, and so much of Grand lake as is 100 yards above the dam at the outlet shall be closed to all fishing from October first to June first of the following year), and from said dam to a point one hundred yards below said dam on said stream it shall be unlawful to fish for any kind of fish at any time, (and it shall be unlawful during open season on said stream and one hundred yards above the dam at the outlet of said lake, to fish for, take, catch or kill any fish by any other method than by the ordinary way of angling with rod and artificial flies.)

IN YORK COUNTY: It shall be unlawful to fish through the ice for any kind of fish in the following named lakes and ponds in York county: Bonneg Beg pond in North Berwick and Sanford, "L" pond in Sanford and Wells, Messabesic pond, sometimes called Shaker pond, and Littlefield pond in Alfred, Middle Branch pond in Alfred and Waterboro, and Bunganeaut pond in Alfred and Lyman, (in which last named pond the close time shall be from October first to May first of the following year.)

Special Provisions Closing Certain Tributaries to Certain Lakes and Ponds to All Fishing, and Certain Ponds for a Specified Time.

Sec. 2. It shall be unlawful to fish for, take, catch or kill any fish at any time, except as herein provided, in any of the following named waters, to wit:

ANDROSCOGGIN COUNTY: The tributaries to Lake Auburn or Wilson pond, so called, (and all that part of the waters of said Lake Auburn and Townsend brook, so called, that lie north of the road leading from the Turner road, so called, to North Auburn Village and crossing said Townsend brook, shall be considered as tributary waters of said Lake Auburn), the tributaries to Taylor pond in the city of Auburn, the tributaries to Brettuns pond in Livermore, and the tributaries to Big Bear pond situated partly in Turner.

IN AROOSTOOK COUNTY: The tributaries to Madawaska lake; (or in Ross and Conroy lakes, in Littleton and Monticello, before April 22d, 1906.)

IN CUMBERLAND COUNTY: The tributaries to Sabbath Day pond in New Gloucester, the tributaries to Sebago lake,—except Crooked and North West rivers,—the tributaries to Anonymous pond in the town of Harrison, the tributaries to Thomas pond in Raymond and Casco, the tributaries to Duck pond, or in Royal river from Sabbath Day pond to Jordan's Dam. Provided, further, that it shall be unlawful to fish in the tributaries to Great Watchic pond, in Standish, from October first to May first of the following year.

IN FRANKLIN COUNTY: The tributaries to Webb pond in Weld, except Alder brook down as far as the mill dam at Hildreth's Mills, the tributaries to Tufts and Dutton ponds in Kingfield and the outlet of the same from Dutton pond to Reed's falls, and from Tufts pond to Alder stream, the tributaries to Tim and Mud ponds in Township 2, Range 4, W. B. K. P., the tributaries to Rangeley lake, the tributaries to Ross pond, or in Bemis stream a tributary to Mooselucmaguntic lake, or in Whetstone brook, which flows into Kennebago stream, from the foot of the boulders, so called, in said stream to the foot of the falls at the outlet of Kennebago lake, or in Metalluc and Mill brooks which flow into Upper Richardson lake, or in Coos brook, a tributary to Wilson lake in Wilton, from its entrance into said Wilson lake from the upper side of the Wil-

kins bridge over said Coos brook, and the Holland brook, a tributary to said Wilson lake, from its junction with Coos brook to the upper side of the Coos bridge over said Holland brook, or in the tributaries to Varnum and North ponds in Temple and Wilton, the tributaries to Clearwater pond in Farmington and Industry, the tributaries to Long pond and Sandy River pond lying wholly or in part in Sandy River plantation, or in Lufkin pond and its tributaries in the town of Phillips, the tributaries to Four ponds, so called, in townships E and D, or in any of the tributaries to Webb's river above Goodwin Brothers' mill dam in Carthage, or in Sandy river or any of its tributaries above Small's Falls, so called, in Madrid, to Sandy River pond, before June first, 1905, or in the North Branch, called the Chandler Mill stream, or in the South Branch, called the Crossman stream, or in Bowen brook, or Saddleback stream that flows into Sandy river at Madrid Village, or in the Ben Morrison brook which flows into Saddleback stream.

IN HANCOCK COUNTY: In the tributaries to Noyes' pond in Blue Hill, or in the tributaries to Green lake in Dedham and Ellsworth, or in the tributaries to Eagle lake in Eden, or in the tributaries to Bubble pond or Turtle lake on the island of Mt. Desert.

IN KENNEBEC COUNTY: In the tributaries to all of the lakes and ponds lying wholly or partly in the towns of Winthrop and Monmouth, or in the tributaries to Jimmy's pond in Litchfield, or in the tributaries to Three Mile pond in China, Windsor and Vassalboro, or in the tributaries to McGraw, Ellis, East, North, Great, Long, Little and Snow ponds situated partly in Oakland, Belgrade, Mt. Vernon, Rome and Sidney.

IN KNOX COUNTY: In Branch and Meadow brooks, so called, in Thomaston and Rockland, before February 9, 1904, and then it shall be lawful to fish in these brooks only during the month of June of each year; in the tributaries to Canaan lake, partly in Knox and partly in Waldo county, in the tributaries to Lermonds

and Alford's ponds, the tributaries to Norton pond and the tributaries to Crystal lake in Washington. Grassy pond, in Knox county, is closed to all fishing until May 1st, 1904.

IN LINCOLN COUNTY: The tributaries to Dyers pond in Jefferson.

IN OXFORD COUNTY: The tributaries to Anasagunticook lake in Canton and Hartford, the tributaries to Little Bear pond in Hartford and Turner, the tributaries to Howard's pond in Hanover, the tributaries to Lake Pennesseewassee and Little Pennesseewassee in Norway, the tributaries to Garland pond and Roxbury pond, Rapid river from the swing bridge at the Oxford Club House to Lake Umbagog, the tributaries to Songo pond in Albany, the tributaries to Sand and Pickerel ponds in Denmark, the tributaries to Bryant pond in Woodstock; Pleasant pond and its tributaries shall be closed to all fishing until March 6th, 1904, and for five years thereafter it shall be lawful to fish therein only on Tuesdays, Thursdays and Saturdays of each week and but 25 fish shall be taken in any one day in these waters by any one person. It shall also be unlawful for any person to fish in any of the tributaries to Indian pond, South pond and Twitchell pond, in the town of Greenwood, or to fish for, take, catch or kill any fish at any time in Indian pond, above named, before April first, 1906. It shall also be unlawful to fish for, take, catch or kill at any time any kind of fish in Great brook or Cold brook, in Stoneham.

IN PENOBSCOT COUNTY: The tributaries to Dexter pond in Dexter. (See appendix.)

IN PISCATAQUIS COUNTY: The tributaries to Lake Hebron or Hebron pond in Monson, the tributaries to Twin and Doughty ponds, known as Ship pond and Bear pond, in Elliottsville plantation, Ship Pond stream above Buck's Falls, the brook that is the outlet of Garland pond in Sebec, the tributaries to Lake Onawa in Elliottsville plantation and Willimantic, the tributaries to Moosehead lake except Moose river, (and the com-

missioners shall establish by metes and bounds the mouths of these tributaries), Davis stream in Willimantic, Monson Pond stream, a tributary to Davis stream, Vaughan stream, a tributary to Long Pond stream, Wilson stream, a tributary to Sebec lake, Lily pond, in Shirley, before February 13, 1904; it shall also be unlawful to fish in Wilson river, between Wilson pond and Tobey Falls, in Willimantic, except from May 15th to October 1st of each year; it shall also be unlawful to fish in Lower Wilson pond, Upper Wilson pond, Mountain pond, Rum pond and Horseshoe pond, being the upper waters of Wilson stream, and all the tributaries of Lower Wilson pond, Upper Wilson pond, Mountain pond, Rum pond and Horseshoe pond, except from July first to October first of each year, until April 22d, 1906.

IN SOMERSET COUNTY: The tributaries to Lake George in Canaan, Barret brook and its tributaries and Beaver brook in Holeb, the brooks forming the outlet of Fish pond and Little Fish pond and Big Gulf stream and Little Gulf stream, Wood stream in Forsythe plantation above its entrance into Big Wood pond, the tributaries to Hayden lake in Madison, Mosquito stream, an inlet of Moxie pond, in The Forks plantation, East Moxie and Bald Mountain townships, to low water mark in said Moxie pond, the tributaries to Great Embden pond in Embden, Misery stream an inlet of Brasua lake, the tributaries to Moose pond, in Hartland and Harmony, except Main stream, Goodwin's brook and Higgins stream above the first dam on said Higgins stream, the west outlet of Moosehead lake, the tributaries to Parlin or Lang pond in T. 3, R. 7, Lang stream and its tributaries, Parlin stream and its tributaries from Parlin pond to the mouth of Bean brook; provided, further, that it shall be unlawful to fish for, take, catch or kill any kind of fish in Morrill pond, in Hartland, before April 1st, 1905.

IN WALDO COUNTY: It shall be unlawful to fish for, take, catch or kill any fish in Sandy stream and its tributaries and the tributaries to Unity pond in Unity before April 22d, 1904, except that eels and suckers may be taken in their season in these streams.

IN WASHINGTON COUNTY: The tributaries to Lambert lake, situated partly in Lambert Lake plantation, and the tributaries to Lake Narraguagus in Beddington.

IN YORK COUNTY: The tributaries to Bonneg Beg pond in Sanford and North Berwick.

Special Provisions Relating to the Number of Fish that may be Caught, and the Method of Fishing, in Various Waters,—by Counties.

Sec. 3. ANDROSCOGGIN COUNTY: It shall be unlawful to take, catch and kill any black bass less than twelve inches in length in Sabattus pond, and no person shall take, catch or kill more than ten black bass in any one day in said pond.

CUMBERLAND COUNTY: It shall be unlawful to take, catch and kill any black bass less than twelve inches in length in Highland lake, in the northern part of Cumberland county, and no person shall take, catch or kill more than ten black bass in any one day in said lake.

FRANKLIN COUNTY: It shall be unlawful to fish for, take, catch or kill any kind of fish at any time in Rangeley stream from the lower wharf at the outlet of Rangeley lake down to the dead water at the upper end of the eddy, nor from the upper end of the eddy to the mouth of Kennebago stream from July first to May first.

It shall be unlawful to fish for, take, catch or kill any kind of fish at any time in Kennebago stream between the foot of the first falls near its mouth to the upper falls at the outlet of the lake, from July first to May first.

It shall be unlawful to fish in Cupsuptic river or its tributaries, above the foot of the first falls near its mouth, except from May first to July first of each year.

It shall be unlawful to fish in South Bog stream from its mouth up to the first quick water from July first to May first.

It shall be unlawful to fish for, take, catch or kill any fish in Quimby pond, in Rangeley, except in the ordinary way of angling with rod and artificial flies between sunrise and sunset of each day from the fifteenth day of May to the first day of October, and no person shall take, catch or kill or have in possession more than six fish in all in any one day from this pond.

It shall be unlawful to take, catch, or kill more than twenty-five fish in any one day in Four ponds, so called, in Townships E and D.

It shall be unlawful to fish in any manner except with artificial flies in South Bog stream and pool, so called, waters connected with Rangeley lake.

It shall be unlawful to take more than twenty-five trout from Tim and Mud ponds, in T. 2, R. 4, W. B. K. P., or from Tufts or Dutton ponds, in Kingfield, in any one day.

It shall be unlawful to take from the waters of Var-num or North pond, in Temple and Wilton, and Clear-water pond, in the towns of Farmington and Industry, more than three trout, togue and landlocked salmon in all in any one day.

It shall be unlawful to catch any trout in Tufts, Dutton or Grindstone ponds, or their tributaries, in the town of Kingfield, for sale, or sell any trout at any time taken from said Tufts, Dutton or Grindstone ponds or their tributaries.

It shall be unlawful to fish for in any way, or catch any fish of any kind, in the Seven ponds, so called, the Seven Ponds stream, Little Kennebago lake, so called, and the stream flowing out of Little Kennebago lake to the dam at the head of Kennebago Falls, or in the stream flowing out of Kennebago lake commencing at a point four rods above the Berlin Mills Company's bridge and continuing down said stream to its junction with the stream flowing from Little Kennebago lake

except in the ordinary method of casting with artificial flies or fly fishing.

It shall be unlawful to take, catch or kill at any time any kind of fish in any of the ponds lying on Saddle-back mountain, or the outlet of the same flowing into Dead River pond, or in any of the tributaries emptying into said outlet, or in Salmon lake or Gull pond in Dallas plantation, except in open season and not in open season except in the ordinary method of casting with artificial flies or fly fishing.

It shall be unlawful for any person to take, catch, kill or have in possession in any one day more than twenty-five fish in all taken in any of the streams lying wholly or partly in the towns of Freeman, Salem and Strong, and it shall be unlawful for any person to fish for, take, catch or kill any fish in any of these streams except on Tuesdays, Thursdays and Saturdays of each week during open season.

It shall be unlawful to fish for in any way or catch any fish of any kind in Kennebago lake, John's pond, Flat Iron pond, Blanchard pond, and all the streams flowing into the same, except in the ordinary method of casting with artificial flies or fly fishing.

It shall also be unlawful to fish for, take, catch or kill in any one day, more than ten fish in all in Kennebago lake, Little Kennebago lake, John's pond, Flat Iron pond, Seven ponds, so called, or in any of the streams flowing into any of the above named lakes or ponds that are not closed to fishing, and in the stream flowing out of Little Kennebago lake to the dam at the head of Kennebago Falls, and in the stream flowing out of Kennebago lake commencing four rods above the Berlin Mills Company's bridge and continuing down said stream to its junction with the stream flowing from Little Kennebago lake.

HANCOCK COUNTY: It shall be unlawful to fish for, take, catch or kill any trout in any of the waters lying wholly or partly in the county of Hancock for sale, or directly or indirectly sell any trout taken from any

of these waters, or to take, catch, kill or have in possession in any one day more than twenty-five pounds of black bass from any of the waters lying wholly or partly in the towns of Eden, Mt. Desert, Tremont, Hancock, Sullivan, Franklin, Eastbrook, Waltham, and Townships Number 7, Number 10 and Number 21, in the county of Hancock.

KENNEBEC COUNTY: It shall be unlawful to take, catch and kill any black bass less than twelve inches in length in Snow pond, or Messalonskee lake, Great pond, North pond, East pond, McGraw pond, Ellis pond, Lake Cobbosseecontee, Annabessacook lake, and Lake Maranocook, and no more than ten black bass shall be taken in any one day from either of the above named lakes or ponds, and it shall be unlawful for any person to sell or offer for sale any kind of fish, except eels, at any time, taken or caught in any of the above named lakes and ponds in this county, except Lakes Annabessacook, Maranocook and Cobbosseecontee.

OXFORD COUNTY: It shall be unlawful to take or catch any black bass, pickerel, or any other fish from the Lower Kezar pond or its tributaries for sale, or to sell the same, and no person shall take more than twenty pounds of fish in any one day from said Lower Kezar pond.

It shall be unlawful to fish for, take or catch any fish in Ward's brook, Ward's pond and Walker's pond, so called, except between the first day of May and August of each year, or to fish therein except with rod and single line and artificial flies or fly fishing.

It is unlawful to fish for, take, or catch any fish in Ellis river or its tributaries, situated in Andover, Andover West, North Surplus, and Roxbury, and Townships C and D, except on Tuesdays, Thursdays and Saturdays during the months of May, June and July, and to the fifteenth day of August of each year.

It shall be unlawful to take, catch and kill any black bass less than twelve inches in length in Keoka lake,

nor shall any one person take, catch or kill more than ten black bass in any one day in said lake.

It shall be unlawful for any one person in any one day to take, catch or kill more than ten black bass in Upper Kezar pond, or to take any black bass from said pond less than twelve inches in length, or to take any smelts at any time in any of the tributaries of said pond.

It shall be unlawful to fish for in any way, or catch any fish of any kind in the Magalloway river above Aziscohos Falls, or in any of the tributaries of said river north of said falls, or in Sunday pond, Long pond, Parmachenee lake, Wells pond, Otter pond, Rump pond, Billings ponds, Barker's pond, M. T. Abbey pond, Upper and Lower Black ponds, Cupsuptic pond and Lincoln pond except by the ordinary method of casting with artificial flies or fly fishing.

PISCATAQUIS COUNTY: It shall be unlawful to fish for, take, catch or kill any fish in Little Houston pond, in K. I. Works Township, except with artificial flies.

SOMERSET COUNTY: It shall be unlawful to take, kill or carry away more than two fish of any kind (eels and suckers excepted) or ten pounds of fish, in any one day from Spring lake, so called, in Somerset county.

WASHINGTON COUNTY: It shall be unlawful during the open season on Grand Lake stream, and for 100 yards above the dam at the outlet of Grand lake, to fish for, take, catch or kill any fish by any other method than by the ordinary way of angling with rod and artificial flies or fly fishing; it shall also be unlawful to fish for, take or kill any fish in said Grand Lake stream from the dam at the outlet of Grand lake to a point 100 yards below said dam at any time.

Sec. 4. Whoever shall violate any of the provisions of sections one, two and three of this act shall be subject to the same penalty as is provided in the general law for illegal fishing and the illegal catching of fish.

SAWDUST CANNOT BE THROWN INTO CERTAIN STREAMS.

Sections 5, 6 and 7 of chapter 407, private and special laws of 1903 provide that,

"No person shall put, or allow the same to be done by any person within his employ, into any of the streams, rivers or brooks lying wholly or in part in the towns of Naples, Casco and Raymond, in the county of Cumberland, or into any of the tributaries to any of the ponds or lakes lying wholly or partly in the towns of Vienna and Mt. Vernon, or into McGraw, Ellis, East, North, Great, Long, Little or Snow ponds, or any of their tributaries, in Kennebec and Somerset counties, or into Half-Moon stream or Sandy stream, or any of the tributaries to Unity pond, in the county of Waldo, or into the Saint Georges river, in Montville and Searsmont, in Waldo county, or into the tributaries to Seven-Tree pond or into the tributaries of Crawford pond, in Union and Warren, or into Ellis stream in Waldo, Brooks and Belfast, or into Norton, Brown or Heath brooks, or their tributaries, in Shapleigh and Limerick, any mill waste, slabs, edgings, sawdust, or any other mill waste of a fibrous nature created in the manufacture of any sawn or planed lumber, or to place or deposit the same on the banks of any of these waters in such negligent or careless manner that the same shall fall or be washed into any of said waters, or with the intent that the same shall fall or be washed into any of said waters.

Whoever shall violate any of the provisions of this section shall be subject to a penalty of not less than fifty dollars nor more than one hundred dollars and costs of prosecution for each offense. !

Trial justices, municipal and police courts shall have original and concurrent jurisdiction for offenses arising under this act, and all fines recovered shall be paid to the treasurer of the State for the benefit of the fund for the protection and propagation of fish."

"No person or persons shall cast or throw into the Ellis river or its tributaries any mill waste, slabs, edgings, bark, chips, shavings, sawdust, or any other mill waste of a fibrous nature created in the manufacture of any sawn or planed lumber, or shall place, pile or deposit on the banks of said Ellis river, or on the banks of any of its tributaries, any slabs, edgings, or any shavings or fibrous material created by the manufacturing of shingles, in such negligent or careless manner that the same shall fall or be washed into said river or said tributaries, or with the intent that the same shall fall or be washed into said river or said tributaries, whereby the navigation of said river may become impeded or injuriously affected, or which shall tend to impede or injuriously affect the navigation of, or fill up said river, or which shall fill up or obstruct, or tend to fill up or obstruct, the canal or wheel race of any woolen mill, cotton mill, flour mill, or other manufacturing establishment, or which shall damage or injuriously affect, or tend to damage or injuriously affect, the ice on said river, or on any of its tributaries, under a penalty for each offense, if the quantity shall not exceed five cords, of not less than five nor more than twenty dollars; if the quantity cast or thrown in, or that shall fall or be washed in as aforesaid, at one or different times, shall exceed five cords in all, under a penalty of not less than twenty nor more than five hundred dollars.

All the penalties under the provisions of this section shall be recovered by complaint or indictment before any court having jurisdiction in like offenses."

"No person or persons shall cast or throw into the Aroostook river, or into any of its tributaries above the mouth of Beaver brook, in Sheridan plantation, in the county of Aroostook, from any steam or water power saw mill, any slabs, edgings, sawdust, chips, bark, mill waste, or any shavings or fibrous material created by the manufacturing of shingles, or shall place, pile or deposit on the banks of said Aroostook river, or its tributaries, above the mouth of said brook, any slabs,

edgings, sawdust, chips, bark, mill waste, or any shavings or fibrous material created by the manufacturing of shingles, in such negligent or careless manner that the same shall fall or be washed into said river, or its tributaries above the mouth of said brook, whereby the driving of logs or lumber down said river may become impeded or injuriously affected, or which shall tend to impede or injuriously affect the driving of logs or lumber down said river, or fill up or obstruct, or tend to fill up or obstruct the canal or wheel race of any manufacturing establishment upon said river, or any boom of logs upon said river above the mouth of said brook, or which shall damage or injuriously affect, or tend to damage or injuriously affect the booming of logs upon said river, under a penalty for each offense, if the quantity shall not exceed five cords, of not less than five nor more than twenty dollars. If the quantity cast or thrown in, or that fall or be washed in as aforesaid, at one or different times, shall exceed five cords in all, under a penalty of not less than twenty nor more than five hundred dollars; provided, however, that this act shall not apply to sawdust made by gang saws, main rotaries, nor up and down saws of any kind, in water mills now in use on said river above said dam.

All the penalties under the provisions of this section shall be recovered by complaint or indictment before any court having jurisdiction in like offenses, or by action of debt before any court having competent jurisdiction, for the benefit of the county where the offense was committed.

If the offense or offenses forbidden in this section shall be committed by any person or persons who may be in the employ of any mill owner or owners, mill occupant or occupants, such owner or owners, occupant or occupants, shall also be liable in the same penalties, recoverable in the same manner as hereinbefore provided."

PART SECOND.

THE LAWS RELATING TO MOOSE, CARIBOU, DEER, AND OTHER PROTECTED WILD GAME,—ALSO THE LAWS RELATING TO THE PROTECTION OF GAME BIRDS.

CARIBOU.

Chapter 30 of the revised statutes, as amended by section 19 of the public laws of 1899, (which is section 15 of chapter 30 of the new edition of the revised statutes), provides that,

“No person shall, within six years from October 15, 1899, in any manner hunt, chase, catch, kill or have in possession any caribou or parts thereof.” Penalty the same as for the illegal killing of moose.

MOOSE.

Chapter 30 of the revised statutes, as amended by chapter 222 of the public laws of 1901, (which is section 13 of the new edition of the revised statutes), provides that,

“No person shall at any time hunt, catch, kill, destroy or have in possession any cow or calf moose; and the term ‘calf moose,’ as herein used, shall be construed to mean that these animals are calves until they are at least one year old, and have at least two prongs or tines to their horns. No person shall, between the first day of December and the fifteenth day of October, in any manner, hunt, take, catch, or kill or have in possession any bull moose or part thereof, and no person shall, between October fifteenth and December first, take, catch, kill, or have in possession more than one bull moose or part thereof.”

DEER.

Chapter 30 of the revised statutes, as amended by chapter 222, section 2, of the public laws of 1901, (which is section 14 of chapter 30 of the new edition of the revised statutes), provides that,

“No person shall, except as hereinafter provided, in any manner, hunt, take, catch, kill or have in possession for any purpose or whenever or wherever taken, caught or killed, any deer, or part thereof, between December fifteenth and October first next following; no person shall between October first and December fifteenth next following, except as hereinafter provided, take, catch, kill or have in possession for any purpose or whenever or wherever taken, caught or killed, more than two deer or parts thereof; a person lawfully killing a deer in open season shall have a reasonable time in which to transport the same to his home and may have the same in possession at his home in close season.”

PENALTIES.

Chapter 30 of the revised statutes, as amended by chapter 222 of the public laws of 1901, section 8, (which is section 16 of chapter 30 of the new edition of the revised statutes), provides that,

“Whoever shall violate any of the provisions of section thirteen of this chapter, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment not exceeding four months; whoever shall violate any of the provisions of section fourteen of this chapter, shall be punished by a fine of forty dollars and costs for each deer taken, caught, killed or had in possession in violation of the provisions of section fourteen of said chapter; whoever shall violate any of the provisions of section fifteen of this chapter relating to deer, shall be punished by a fine of forty dollars and costs; and whoever shall violate any of the provisions of section fifteen of this chapter,

relating to moose or caribou, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not exceeding four months."

USE OF DOGS, JACK LIGHTS, ARTIFICIAL LIGHTS, SNARES OR TRAPS PROHIBITED IN HUNTING DEER, MOOSE OR CARIBOU.

Chapter 30 of the revised statutes, as amended by chapter 222 of the public laws of 1899, (which is section 15 of chapter 30 of the new edition of the revised statutes), provides that,

"No person shall at any time, in any manner, hunt, catch, take, kill or destroy, with dogs, jack lights, artificial lights, snares, or traps, any moose, deer or caribou."

Chapter 30 of the revised statutes, as amended by chapter 222, section 3, of the public laws of 1901, and by chapter 225 of the public laws of 1903, (which is section 18 of chapter 30 of the new edition of the revised statutes), provides that,

"Any person may, at any time, lawfully kill any dog which hunts or chases a moose, caribou or deer, or any dog kept or used for that purpose. Any person owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou or deer, or who permits any dog owned by him or in his possession to hunt or chase moose, caribou or deer, after notice that such dog has chased moose, caribou or deer, shall be punished by a fine of one hundred dollars and costs of prosecution for each offense."

(Note). The question often arises, is a person liable whose dog, of his own volition, leaves the house of his master and chases deer? Anybody can lawfully kill the dog, under these circumstances. The owner or keeper would not be liable if he knew nothing about it, but if he was informed that his dog was in the habit of chasing this game, and does not confine him, and the

dog, after his owner has this knowledge, again chases game, he would be liable. Owners of dogs should keep them within their immediate control, at their peril, the same as he does his horses, his cattle and his hogs. Dogs are not domestic animals. *State v. Harriman*, 75 Me., 562. One cannot be convicted for stealing under R. S., ch. 127, sec. 1. *State vs. Harriman*, 75 Me., 562.

PROTECTION OF THE WILD HARE OR RABBIT.

Chapter 214 of the public laws of 1903 provides that,
 "Sec. 1. There shall be a close time on wild hare or rabbits in which it shall be unlawful to hunt, catch or pursue them, or have them in possession, during the months of April, May, June, July and August of each year, under a penalty of ten dollars and costs for each offense.

"Sec. 2. It shall be unlawful to use any snares, traps or other device in the hunting, pursuing or killing of the common wild hare or rabbits, or to hunt or kill the same except in the ordinary method of shooting with guns in the usual manner.

"Sec. 3. Section two of this bill shall not apply to Hancock county."

PROTECTION OF SQUIRRELS AND CHIPMUNKS IN THE COUNTY OF KNOX.

Chapter 397 of the private and special laws of 1903, provides that,

"Sec. 1. Whoever, within the limits of the county of Knox, kills or has in his possession, except alive, any gray squirrel, red squirrel or chipmunk, forfeits five dollars for each of said animals so killed or had in possession, to be recovered on complaint.

PROTECTION OF DEER IN CERTAIN COUNTIES.

Chapter 30 of the revised statutes, as amended by section 21 of chapter 42 of the public laws of 1899, and as amended by chapters 381, 371, 258, 446 and 452 of the private and special laws of 1901, (which is section 9 of chapter 407 of the private and special laws of 1903), provides that,

“No person shall in any manner hunt, take, catch or kill any deer in Kennebec, Knox, Waldo and Lincoln counties between December first and October fifteenth next following; and no person shall between October fifteenth and December first inclusive next following take, catch or kill more than two deer, not more than one of which shall be a doe or fawn; nor shall any person have in possession any deer or part thereof killed in violation of this section.

It shall be unlawful for any person to hunt, chase, pursue, catch or kill any deer at any time in the towns of Eden, Mount Desert and Tremont, in Hancock county.

It shall be unlawful to hunt, chase, catch or kill any deer or moose in the county of Sagadahoc until October 1, 1905.

No person shall take, catch, kill, chase or hunt any deer in the county of York, except during the month of October of each year, and no person shall during the open season in this county, take, catch, kill or have in possession more than two deer or parts thereof.

The month of October is hereby made an open month for the hunting and killing of deer in the county of Androscoggin.

It shall be unlawful to hunt, chase, catch or kill in any manner, any deer on any island within the limits of the town of Isle au Haut, in the county of Hancock, before October 1, 1907.

It shall be unlawful to hunt, chase, catch or kill, in any manner, any deer within the limits of the town of Swan's Island, in the county of Hancock, before October 1, 1906.

Whoever shall violate any of the provisions of this section shall be subject to the same penalty as is provided in the general law of the State for the illegal hunting, chasing, catching, killing or having in possession any deer or part thereof."

SUNDAY IS A CLOSE TIME.

Section 22 of chapter 42 of the public laws of 1899, as amended by section 3 of chapter 222 of the public laws of 1901, (which is section 18 of chapter 30 of the new edition of the revised statutes), provides that,

"Sunday is a close time, on which it is not lawful to hunt, kill, or destroy game or birds of any kind, under the penalties imposed therefor during other close time, but the penalties already imposed for the violation of the Sunday laws by the statutes of this state are not hereby repealed or diminished."

(Note). Sunday is not a close time on fishing, in the same sense as on hunting. The only law to prevent fishing on Sunday, during the open season, is the old Sunday law, so called, and is as follows: "Whoever on the Lord's day keeps open his shop * * * or place of business * * * travels or does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation * * * shall be punished by a fine not exceeding \$10."

Section 25 of chapter 123 of the new edition of the revised statutes.

This statute also provides "that a person conscientiously believing that the seventh day of the week ought to be observed as the Sabbath, and actually keeps Saturday as Sunday, is not liable to the above penalty if he does not disturb others by his work." But this will not give him the right to hunt game or birds or fish on Sunday, though he refrain from doing it on Saturday.

MINK, SABLE, MUSKRAT, FISHER AND BEAVER.

Chapter 30 of the revised statutes, as amended by chapter 32 of the public laws of 1899, (which is section 11 of chapter 30 of the new edition of the revised statutes), provides that,

“Whoever, between the first day of May and the fifteenth day of October, destroys any mink, sable, muskrat, or fisher, forfeits ten dollars for each animal so destroyed; excepting, however, that it shall be lawful to kill muskrats in Lily pond in the towns of Rockport and Camden and also such muskrats as interfere at any time with the operation and maintenance of any canal, ditch, lawful dam, or cranberry bog. Whoever at any time kills or destroys any beaver, except upon written permission of the commissioners of inland fisheries and game, shall be fined one hundred dollars and costs and twenty-five dollars additional for each beaver killed or destroyed.”

BOUNTY ON WOLVES.

Chapter 30 of the revised statutes, as amended by chapter 42 of the public laws of 1899, (which is section 12 of chapter 30 of the new edition of the revised statutes), provides that,

“A bounty of five dollars, for every wolf killed in any town in the state, shall be paid by the treasurer thereof to the person killing it.....”

BOUNTY ON BEARS IN OXFORD COUNTY.

Chapter 223 of the public laws of 1903 provides that,
“A bounty of five dollars for every bear killed in Oxford county by any bona fide resident of this state, may be paid by the state treasurer.....”

BOUNTY ON PORCUPINES.

Chapter 239 of the public laws of 1903 provides that, "A bounty of twenty-five cents for each and every porcupine, so called, killed in any town or township in this state shall be paid by the treasurer thereof to the person killing it....."

NON-RESIDENTS MUST EMPLOY GUIDES.
GUIDES MUST NOT GUIDE MORE THAN
FIVE NON-RESIDENTS AT ONE TIME.

Chapter 278 of the public laws of 1901, and by chapter 225 of the public laws of 1903, (which is section 17 of chapter 30 of the new edition of the revised statutes), provides that,

"It shall be unlawful for non-residents of the state to enter upon the wild lands of the state with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October, and November, and no registered guide shall guide at the same time, or be employed by, at the same time, more than five non-residents in hunting. Any such non-resident who shall take, catch, or kill any deer or moose, or enter upon the wild lands in this state, with intent to camp and kindle fires thereon, without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, in violation of the provisions herein contained, or any guide who shall guide at the same time, or be employed by, at the same time, more than five non-residents in hunting, shall be fined forty dollars and costs of prosecution for each offense and be subject to imprisonment thirty days."

BEWARE OF SHOOTING BEFORE YOU KNOW WHAT YOU ARE SHOOTING AT.

Chapter 263 of the public laws of 1901, (which is sections 3 and 4 of chapter 117 of the new edition of the revised statutes), provides that,

"Section 3. Whoever, while on a hunting trip, or in the pursuit of wild game or game birds, negligently or carelessly shoots and wounds, or kills any human being, shall be punished by imprisonment not exceeding ten years, or by fine not exceeding one thousand dollars.

"Section 4. It shall be the duty of the county attorney and sheriff in the county in which a violation of the foregoing section occurs, to forthwith investigate and prosecute every person who therein violates the provisions of this act, and for failing so to investigate and prosecute, each of said officers shall be liable to a fine of not exceeding one thousand dollars, and to be removed from office."

GAME BIRDS AND THEIR PROTECTION.

Section 11 of chapter 30 of the revised statutes as amended by chapter 42 of the public laws of 1899 and as amended by chapter 258 of the public laws of 1901, and by chapter 229 of the public laws of 1903, (which is section 7 of chapter 30 of the new edition of the revised statutes), provides that,

"There shall be for game birds an annual close time in which it shall be unlawful to hunt, chase, catch, kill or have them in possession whenever or however killed, as follows:

"For wood duck, dusky duck, commonly called black duck, teal and gray duck the close time shall be from December 1st to the first day of the following September of each year; for ruffed grouse, commonly called partridge and woodcock, from the first day of December to September 15th next following of each year; for plover, snipe and sandpipers, from the first day of

May to the first day of August of each year; and it shall be unlawful to hunt, chase, catch, kill or have in possession at any time any quail. Whoever violates any of the above named provisions of this section shall be subject to a penalty of not less than five dollars nor more than ten dollars and costs for each bird so killed, caught, chased or had in possession in close time.

"No person shall, in any one day, kill or have in possession more than fifteen of each variety of the above named birds, except sandpipers, the number of which shall not exceed seventy in any one day, during the respective open season for each; nor shall any person at any time kill or have in possession any ruffed grouse, commonly called partridge, woodcock, wood duck, commonly called black duck, teal or gray duck, except for his own consumption within this state, except as hereinafter provided, under a penalty of five dollars and costs for each bird so unlawfully killed or had in possession; nor shall any person at any time sell or offer for sale, any ruffed grouse, commonly called partridge, woodcock, wood duck, dusky duck, commonly called black duck, teal or gray duck within this state under the same penalty; nor shall any person or corporation carry or transport from place to place any of the birds mentioned in this section, in close time, nor in open season unless open to view, tagged and plainly labeled with the owner's name and residence and accompanied by him, unless tagged in accordance with section twenty-six of this chapter, under the same penalty.

"Any person, not the actual owner of such bird or birds, who, to aid another in transportation, falsely represents himself to be the owner thereof, shall be liable to the same penalty; nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of the birds above mentioned as the property of one person, under the same penalty; and it shall be unlawful for a term of ten years, to hunt for, take, catch, kill or destroy the capercaillie, or cock

of the woods, so called, black game, so called, or any species of the pheasant, except ruffed grouse, or partridge, under a penalty of fifty dollars for each offense."

PROTECTION OF BIRDS OTHER THAN GAME BIRDS.

Chapter 142 of the public laws of 1901, and chapter 116 of the public laws, 1899, (which is section 8 of chapter 30 of the new edition of the revised statutes), provides that,

"No person shall, within the state of Maine, kill or catch or have in his or her possession, living or dead, any wild bird, other than a game bird, nor shall purchase, offer or expose for sale, any such wild bird after it has been killed or caught. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. Nor shall any person within the state take or needlessly destroy the nest or the eggs of any wild bird, nor have such nest or eggs in his or her possession. The English, or European house sparrow, the common crow and the hawks and owls are not included among the birds herein protected; and for the purposes of this act, the following only shall be considered game birds: the anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud-hens and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, taters and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails. Nothing in this section, however, shall be construed to affect in any way the protection of game birds, as provided in sections 7 and 9. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and when convicted therefor, shall be fined five dollars for each offense, and an additional five dollars for each bird, living or dead, or part of bird, or nest or eggs

possessed in violation of this section or to imprisonment for ten days, or both, at the discretion of the court."

(Note). It will be seen by the above section that sweeping changes were made in the protection of birds other than game birds. The Ornithologists' Societies recommended and urged and secured the passage of this law.

The only birds, other than game birds, not protected are crows, hawks, owls and English sparrows.

DOVES.

It is held in all the authorities that doves are *feræ naturæ*, and as such are not subject of larceny, except when in the care and custody of the owner; as when in a dovecote or pigeon house, or when in the nest, before they are able to fly. If, when thus under the care of the owner, they are taken furtively, it is larceny, 9 Pickering, 15, 89 Me. 86.

Perhaps when feeding on the grounds of the proprietor, or resting on his barn, or other buildings, if killed by a stranger, the owner may have trespass, and if the purpose be to consume them as food, and they are killed or caught or carried away from the inclosure of the owner the act would be larceny. 89 Me. 87.

USE OF TRAPS, NETS, SNARES, AND ALL OTHER METHODS, EXCEPT THE USUAL METHOD OF SPORTING WITH FIREARMS, ILLEGAL IN TAKING GAME BIRDS; ALSO HAVING FIREARMS IN POSSESSION IN THE NIGHT IN THE VICINITY OF THE DUCK GROUNDS IN MERRYMEETING BAY.

Section 13 of chapter 42 of the public laws of 1899, (which is section 9 of chapter 30 of the new edition of the revised statutes), provides that,

"It is unlawful to take any wild duck, of any variety, quail, ruffed grouse, or partridge, woodcock, or any bird, except by the usual method of sporting with fire-

arms. Penalty \$5.00 for each bird. It is unlawful to kill in any manner any wild duck of any variety on the Kennebec river or on the shores thereof, south of Gardiner and Randolph bridge, or on Merrymeeting bay, or the shores thereof, between sunset and daylight of the following morning; it is unlawful to hunt, kill, or destroy any wild duck, at any time, with the aid of jack lights, or any artificial light. Penalty \$50.00.

“Having firearms in possession in the vicinity of the duck grounds in Merrymeeting bay, or on the Kennebec river south of the Randolph and Gardiner bridge, in the night time, is *prima facie* evidence that the person having them is hunting ducks contrary to law.”

USE OF STEAM LAUNCHES PROHIBITED IN TAKING DUCKS IN UPPER KEZAR POND AND IN FRENCHMAN'S BAY.

Chapter 387 of the Private and Special Laws of 1901, as amended by chapter 407 of the private and special laws of 1903, provides that,

“It shall be unlawful for any person at any time to use boats or launches of any kind propelled by steam, naphtha, gasoline, or electricity, or any other mode than the ordinary sail boat or row boat, in chasing, hunting, or gunning any sea birds, duck or water fowl in any of the waters of Frenchman's bay, so called, on the coast of Maine, or in the waters of lower Kezar pond, in the county of Oxford, under a penalty of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution for each offense.

“For the purposes of this act Frenchman's bay is defined and bounded as follows:

“On the north by the towns of Hancock and Sullivan; on the east by the towns of Gouldsboro and Winter Harbor; on the south by Mt. Desert island and a straight line from Schoodic point, so called, to Great Head, so called; on the west by Thompson's toll bridge.”

SHALL NOT GIVE AWAY GAME OR BIRDS.

Section 25 of chapter 42 of the public laws of 1899, (which is section 21 of chapter 30 of the new edition of the revised statutes), provides that,

"No resident of this state shall sell or give away any moose or deer or part thereof, or any game birds, to be transported or carried beyond the limits of this state, under a penalty of one hundred dollars for each and every moose, deer, or part thereof, and one dollar for every game bird so sold or given away; and any person who shall buy any of the above named animals or birds or parts thereof, to so transport them, or who shall transport them after buying the same, or receiving the same as a gift, shall be subject to the same penalty."

TRANSPORTATION.

Sections 23 and 24 of the public laws of 1899, (which are sections 19 and 20 of chapter 30 of the new edition of the revised statutes), provides that,

"Sec. 19. No person or corporation shall carry or transport from place to place any moose, or deer, or part thereof, in close time, nor in open time unless open to view, tagged, and plainly labeled with the name and residence of the owner thereof, and accompanied by him, under a penalty of forty dollars and costs of prosecution for each moose or deer so transported or carried; and any person not the actual owner of such game or parts thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the penalties aforesaid; and it shall be prima facie evidence that said game, that is being transported or carried in violation of this section, was illegally killed; but nothing herein shall apply to the transportation of moose, or deer by any person or corporation, when such game is lawfully tagged in accordance with the provisions of section 22 of this chapter. Whoever lawfully kills a bull moose shall, while the

same, or any part thereof, is being transported, preserve and transport it, with the evidence on the moose of the sex of the same. Whoever fails to comply with the provisions of this section shall forfeit to the state the moose or part thereof being transported, and pay a fine of three hundred dollars and costs of prosecution.

"Sec. 20. All birds, fish and game, hunted, caught, killed, destroyed, bought, carried, transported, or found in possession of any person or corporation, in violation of the provisions of this chapter and amendments thereto, shall be liable to seizure; and in case of conviction for such violation, such game shall be forfeited to the state, to be sold for consumption in this state only. Any person whose game or fish has been seized for violation of any game or fish law, shall have it returned to him on giving to the officer a bond with sufficient sureties, residents of the state, in double the amount of the fine for such violation, on condition that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to give such bond and take the game or fish so seized, he shall have no action against the officer for such seizure, or for the loss of the game or fish seized."

(Note). See method of transporting by licensed hunters.

MAY TRANSPORT MOOSE, DEER, BIRDS AND FISH ON PAYMENT OF A FEE.

Section 26 of chapter 30 of the revised statutes, (which is section 22 of chapter 30 of the new edition of the revised statutes), provides that,

"Any person who has lawfully killed a moose or a deer, or who has lawfully in his possession one trout, one togue, one land-locked salmon, or one white perch, or ten pounds of either kind of these fish, or one pair of game birds, may send the same to his home or to any hospital in the state, without accompanying the same, by purchasing of the duly constituted agent therefor a

tag, paying for a moose five dollars, for a deer two dollars, for a trout, togue, or land-locked salmon, one dollar for each, or one dollar for each ten pounds of the same, and fifty cents for one white perch or ten pounds of the same, and fifty cents for a pair of game birds. The commissioners of inland fisheries and game may appoint agents in convenient localities who may sell these tags, under such rules and regulations as the commissioners may adopt." (See non-resident license law).

(Note). A person who has lawfully killed a bull moose, or a deer, may sell them, but not to be transported out of the state. He may take them to his home wherever he lives, by going with them, and having them properly tagged, or he may buy a license and ship them to his home without going with them. He may take a moose or two deer that he has killed out of the state, or he may cut them up and peddle them out, without a license.

One who lawfully obtains the ownership of game in open time is not criminally liable for having the same in possession in close time afterwards. 88 Me. 385; 76-8c; 82-173; 75-289. But having it thus in possession is evidence of its illegal capture. 88 Me. 385.)

PROTECTION OF SHEEP.

Ch. 178, P. L. 1901. Sec. 1. When any person, resident of this state, shall sustain any damage to his sheep, lambs or other domestic animals, by reason of their being killed or injured by wild animals, he shall give information thereof to the mayor of the city, or to one of the municipal officers of the town or plantation where such damage was done within twenty-four hours after he has knowledge of the same, and thereupon said mayor or municipal officers shall estimate the amount of such damage, and all such damage proved to the satisfaction of the above officers to have been committed by wild animals, and within the limit of their

city, town or plantation, shall be paid by such officers out of the treasury of their city, town or plantation.

Sec. 2. When any city, town or plantation shall have paid damages to the owners of sheep, lambs or other domestic animals under section one of this chapter, the mayor of such city, or the municipal officers of such town or plantation, shall make a statement of facts in the case, together with the amount of damage so paid, and shall transmit the same to the state treasurer, who shall reimburse such city, town or plantation to the amount of such damage from the general fund received by the state under section three, chapter two hundred and eighty-seven of the public laws of eighteen hundred and ninety-three.

TRESPASS LAW.

Sections 14 and 16 of chapter 126 of the new edition of the revised statutes, provides that,

“Section 14. Whoever wilfully enters on or passes over the garden, orchard, mowing land, or other enclosed or cultivated land of another, between the first days of April and December, after being forbidden so to do by the owner or occupant of said land, or his agent, either personally or by notice posted conspicuously on the premises, is guilty of trespass, and shall be punished by fine not exceeding twenty dollars, and section 16 applies to violations of this section.

“Section 16. The owner of such place, or any person employed in its cultivation, or rightfully in the possession thereof, may arrest any person found violating the preceding section, and carry him before any magistrate within the county where the arrest is made.”

WARDENS, THEIR APPOINTMENT AND DUTIES.

Section 47 of chapter 42 of the public laws of 1899, (which is section 43 of chapter 30 of the new edition of the revised statutes), provides that,

"The governor, with the advice and consent of the council, upon the recommendation of the commissioners of inland fisheries and game, may appoint suitable persons as fish and game wardens, who shall hold office for a term of three years unless sooner removed, and who shall enforce all laws relating to inland game and fisheries, and all rules and regulations in relation thereto, arrest all violators thereof, and prosecute all offenses against the same; said wardens shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees, as sheriffs, for like services, and they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act, give bond to the treasurer of the state with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioners of inland fisheries and game, conditioned for the faithful performance of the duties of their office. Inland fish and game wardens may serve all processes pertaining to the collection of penalties for violation of the inland fish and game laws; fish wardens may be appointed inland fish and game wardens and need not give additional bond."

Section 48 of chapter 42 of the public laws of 1899, (which is section 45 of chapter 30 of the new edition of the revised statutes), provides that,

"Sheriffs, deputy sheriffs, police officers and constables, are vested with the powers of inland fish and game wardens and their deputies, and shall receive for their services the same fees."

DEPUTY WARDENS.

Chapter 214 of the public laws of 1901 (which is section 44 of chapter 30 of the new edition of the revised statutes), provides that,

"The commissioners of inland fisheries and game may appoint deputy wardens, for whose official misconduct

they shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And the said commissioners may revoke such appointment at any time."

FISH AND GAME WARDENS, FIRE WARDENS.

Chapter 108 of the public laws of 1891 provides that, "Fish and game wardens are hereby made state fire wardens, and it shall be their duty while in and about the woods, to caution all sportsmen of the danger from fires in the woods, and to extinguish all fires left burning by any one, if within their power; and to give notice to any and all parties interested when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished."

PENALTY FOR FALSELY ASSUMING TO BE A WARDEN OR COMMISSIONER.

Chapter 144 of the public laws of 1901, (which is section 22 of chapter 121 of the new edition of the revised statutes), provides that,

"Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, or constable, or inland fish and game warden, or a commissioner of inland fisheries and game, and to act as such, or to require any one to aid him in a matter pertaining to the duty of such office, shall be punished by imprisonment for not less than one year, or by fine not exceeding four hundred dollars."

SEARCH AND SEIZURE OF GAME.

Section 49 of chapter 42 of the public laws of 1899, (which is section 46 of chapter 30 of the new edition of the revised statutes), provides that,

“The commissioners and every warden throughout the state and every sheriff and constable in his respective county are authorized and required to enforce the provisions of this chapter, and to seize any game or fish or game birds taken or held in violation of this chapter; and every such officer shall have full power and authority, and it shall be his duty with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof, and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, stores, warehouses, storehouses, out-houses, stables, barns, and other places, and to examine all boxes, barrels, and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; provided, however, that a dwelling house actually occupied can be entered for examination, only in pursuance of a warrant, or to make an arrest.”

PENALTIES—HOW RECOVERED.

Section 50 of chapter 42 of the public laws of 1899, (which is section 47 of chapter 30 of the new edition of the revised statutes), provides that,

“Any officer authorized to enforce the inland fish and game laws may recover the penalties for the violation thereof in an action on the case in his own name, the venue to be as in other civil actions, or by complaint or indictment in the name of the state; and such prosecution may be commenced in the county in which the offense was committed, or in any adjoining county, and the plaintiff prevailing shall recover full costs without regard to the amount recovered.”

OFFICERS MAY ARREST WITHOUT WARRANT.

Chapter 42, public laws of 1899, section 51, (which is section 48 of chapter 30 of the new edition of the revised statutes), provides that,

“Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of any of said laws, and shall with reasonable diligence, cause him to be taken before any trial justice or any municipal or police court, in the county where the offense was committed, or in any adjoining county, for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county; and any officer who shall maliciously, or without probable cause, abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars, or imprisonment not exceeding three months.”

JURISDICTION OF COURTS.

Section 52 of chapter 42 of the public laws of 1899, (which is section 49 of chapter 30 of the new edition of the revised statutes), provides that,

“In all prosecutions under this chapter and the amendments and additions thereto, municipal and police judges and trial justices within their counties have, by complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.”

DISPOSITION OF FINES AND PENALTIES.

Section 53 of chapter 42 of the public laws of 1899, (which is section 50 of chapter 30 of the new edition of the revised statutes), provides that,

“Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, and shall neglect for more than thirty days to pay the same into the state treasury, he shall be punished by a fine of not less than fifty, nor more than one hundred dollars; all fines and penalties recovered, or money paid, under any of the provisions of this chapter and the amendments and additions thereto, shall by the person receiving the same, be paid

forthwith to the treasurer of the state, after deducting legal taxable costs; and such money so received by said treasurer shall be expended by the commissioners of inland fisheries and game for the protection of the fish and game of the state."

SERVICE ON CORPORATIONS HOW MADE.

Section 54 of chapter 30 of the public laws of 1899, (which is section 51 of chapter 30 of the new edition of the revised statutes), provides that,

"In case of a violation of any of the provisions of this chapter by a corporation, the warrant of arrest may be served by an attested copy served on the president, secretary, or manager in this state, or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employe from prosecution."

PENALTY FOR DISHONEST LICENSEE.

Section 55 of chapter 42 of the public laws of 1899, (which is section 52 of chapter 30 of the new edition of the revised statutes), provides that,

"If the holder of any license, certificate, or permit, issued in conformity with any of the provisions of this chapter, shall persistently or flagrantly and knowingly violate or countenance the violation of any of the provisions of this chapter, such license certificate or permit may be revoked by the commissioners, after due notice given of the alleged violation, and an opportunity afforded to appear and show cause against the same."

DUTY OF COUNTY ATTORNEYS, ETC.

Section 56 of chapter 42 of the public laws of 1899, (which is section 53 of chapter 30 of the new edition of the revised statutes), provides that,

"It shall be the duty of each county attorney to prosecute all violations of this chapter occurring within his county, when such cases may come to his knowledge, or when he may be so requested by the commissioners or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioners."

PARTICIPANTS IN VIOLATION OF GAME LAWS COMPELLED TO TESTIFY.

"Sec. 53. In any prosecution under this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioners, or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation."

DUTY OF JUSTICES OF THE PEACE AND CLERKS OF COURTS.

"Sec. 53. It shall be the duty of every justice of the peace and clerk of the court before whom any prosecution under this act is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fines collected, if any, and the disposition thereof to the commissioners, at Augusta."

DUTY OF WARDENS TO MAKE REPORTS.

"Sec. 53. In all cases, the officer making the seizure or sale of fish, game, or birds, shall within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses, and fees, and the disposition thereof to the commissioners, at Augusta.

Every warden shall, in the month of December of each year, and at such other times as the commissioners may require, report to the commissioners all violations of, and prosecutions under this act, occurring in his district, together with such further information as the commissioners may require. The failure of any person or officer to perform any act, duty, or obligation enjoined upon him by this act, shall be deemed a violation thereof."

LICENSES.

NON-RESIDENT HUNTING LICENSE FOR MOOSE AND DEER.

Chapter 99 of the public laws of 1903 provides that,

Section 1. It shall be unlawful for any person not a bona fide resident of the state, and actually domiciled therein, to hunt, pursue, take, or kill any bull moose or deer at any time without having first procured a license therefor as hereinafter provided. Such licenses shall be issued by the commissioners of inland fisheries and game, upon application in writing and the payment of fifteen dollars, and under such rules and regulations to be established by them, and approved by the governor and council, as may be required to carry out the true intent of this act and not inconsistent herewith.

All money received for such licenses shall be forthwith paid to the state treasurer, and then expended by the commissioners in the protection of moose and deer, under the direction of the governor and council.

Provided, however, that the commissioners of inland fisheries and game shall have authority to adjust and pay, out of the funds received for such licenses, for actual damage done growing crops by deer.

Provided, further, that the governor and council shall have authority to allow the commissioners of inland fisheries and game, out of the funds received for licenses and fines, such compensation as they may deem just and

fair for the additional work required of them in carrying out the provisions of this act.

Provided, also, that the governor's council shall, as often as they see fit, examine the books, accounts and vouchers of the commissioners of all moneys received by them for all licenses or other fees and make a report thereon to the governor.

Section 2. Each license shall be provided with three coupons, one of which shall permit the transportation of the carcass of one bull moose, or part thereof, and shall be divided into two sections, lettered "A" and "B" respectively, and shall be called the "moose" coupon; the two other coupons shall permit the transportation of the carcass of one deer, or part thereof, each, and shall be divided into two sections each, lettered "C" and "D" and "E" and "F" respectively, and shall be called the "deer" coupons.

The holder of a non-resident hunting license shall be entitled to offer for transportation and have transported, within or without this state, by any railroad company, express company, boat, or other transportation company, the carcass of one bull moose, or part of the carcass of one bull moose that he himself has lawfully killed, on the "moose" coupon attached to said license; also the carcass of one deer, or part of the carcass of one deer, that he himself has lawfully killed, on each of the "deer" coupons attached to his said license, by presenting to the agent of any transportation company, his license, with the coupons attached to the license at the time when he shall offer the moose or deer for shipment. The agent receiving the carcass or part of a carcass, for shipment shall, if it is a moose, detach section "A" from the "moose" coupon of the license, cancel the same by writing or stamping thereon the date and place of shipment and his initials, and shall forward the same forthwith to the commissioners of inland fisheries and game, at Augusta, Maine; section "B" of said coupon shall be likewise canceled and shall be attached to the carcass, or part of the carcass, of the bull moose

offered for shipment and shall remain attached to the same while it is being transported in this state.

In case of deer received for shipment, the license must be presented to the agent with the coupons attached as aforesaid, and, if but one deer is offered for shipment, the agent shall detach section "C" from the first "deer" coupon and shall cancel it and forward the same to the commissioners of inland fisheries and game as aforesaid, and section "D" of said coupon shall be likewise canceled and attached to the carcass of the deer or part thereof, offered for shipment and shall remain attached to the same while it is being transported in this state.

In case two deer are offered for shipment the agent receiving the same for shipment shall detach sections "C" and "E" from the "deer" coupons and after canceling the same shall forward them to the commissioners as aforesaid, and sections "D" and "F" shall be likewise canceled and attached to the carcasses of the deer, or parts thereof, offered for transportation and shall remain attached to the same while it is being transported in this state.

It shall be unlawful to transport any bull moose or deer, or parts thereof, within this state for any non-resident, otherwise than as provided herein.

Any agent, servant or employee of any transportation company, railroad company, express company, boat or common carrier who shall receive for shipment or transport, or have in his possession with intent to ship or transport, any carcass of a bull moose, or part of the same, or any carcass of a deer or part of the same, for a non-resident, except as herein provided, or who shall refuse or neglect to detach the sections of the coupons as herein provided, or who shall fail to forward to the commissioners of inland fisheries and game, at Augusta, Maine, as herein provided, the sections of coupons by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs for each offense.

Section 3. Whoever is found guilty of violating any of the provisions of this chapter, or who shall furnish to another person, or permit another person to have or use any license or coupon issued to him, or shall change or alter the same in any manner, or shall have or use any license or coupon issued to another person, or any registered guide who shall knowingly guide any non-resident in hunting who has not a license to hunt as herein provided, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs for each offense.

Section 4. All acts and parts of acts inconsistent with this act, are hereby repealed.

Section 5. This act shall take effect July first, nineteen hundred three.

NON-RESIDENT LICENSE TO HUNT TEAL, DUCKS, SEA OR SHORE BIRDS.

Chapter 236 of the public laws of 1903 provides that, "It shall be unlawful for any person not a bona fide resident of this state, and actually domiciled therein, to hunt, pursue, chase, or kill within the limits of Knox, Lincoln, Waldo and Sagadahoc counties, and the towns of Brunswick, Harpswell and Freeport in the county of Cumberland, any teal, ducks, sea or shore birds without first having procured a license therefor as hereinafter provided. Such licenses shall be issued by the commissioners of inland fisheries and game, upon application in writing and the payment of five dollars, and under such rules and regulations to be established by them, and approved by the governor and council, as may be required to carry out the true intent of this act and not inconsistent herewith. All money received for such licenses shall be forthwith paid to the state treasurer, and then expended by the commissioners in the protection of the birds in the counties and towns above named under the direction of the governor and council.

Whoever is found guilty of violating any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs for each offense."

REGISTRATION OF GUIDES.

Sections 30 and 31 of chapter 42 of the public laws of 1899, as amended by chapter 186 of the public laws of 1901, (which are sections 26 and 27 of chapter 30 of the new edition of the revised statutes), provide that,

"Sec. 26. No person shall engage in the business of guiding, either for inland fishing or forest hunting, until he has caused his name, age, and residence to be recorded in a book kept for that purpose by the commissioners of inland fisheries and game, and has procured a certificate from said commissioners, setting forth in substance that he is deemed suitable to act as a guide, either for inland fishing or forest hunting, or both, as the case may be, under a penalty of fifty dollars and costs of prosecution for each offense. Each registered guide shall, from time to time, as often as requested by the commissioners, forward, on blanks furnished him by the commissioners, a statement of the number of persons he has guided in inland fishing and forest hunting during the time called for in said statement, the number of days he has been employed as a guide, and such other useful information relative to inland fish and game, forest fires, and the preservation of the forests in the localities where he has guided, as the commissioners may deem of importance to the state, under a penalty of fifty dollars for unreasonably or wilfully refusing to comply with these requirements."

"Sec. 27. Such registration as is provided for in this chapter shall be as follows: the applicant shall apply in writing or personally to the commissioners for registration, or to some person designated by the commissioners, setting forth in his application whether he desires to be registered as a general or local guide; and

the commissioners shall, as soon thereafter as may be, register such person as a guide in such class as they shall deem proper, after such investigation as they shall deem proper; but said commissioners may refuse to register any applicant whom they deem unfit to be a guide, and may, for cause shown, after due notice and hearing, cancel any registration by them made, and may advance anyone from the local class to the general class, whenever they shall deem such person qualified to be a general guide. Whenever a guide registered, as provided in this chapter, is convicted of any violation of any of the inland fish and game laws, the commissioners shall, at their discretion, cancel his certificate of registration and strike his name from the list of registered guides; but such person may thereafter be registered again at the discretion of the commissioners. Any certificate cancelled by virtue of this chapter shall be immediately returned to the commissioners, under a penalty of fifty dollars for refusal or neglect to comply with this requirement. A fee of one dollar shall be paid annually for the registration as herein provided. No person shall receive a certificate as a general guide unless he be at least twenty years of age, of good repute, and friendly to the inland fish and game laws, and will discountenance in all proper ways all violations thereof. He shall be thoroughly competent to traverse the hunting grounds of the state in which he is licensed to guide, and shall be skilled in the use, management, and handling of such boats or canoes, on lake, pond, or river, as are used in the territory in which he is authorized to guide, and shall be a safe person under all circumstances to be a guide for inland fishing and forest hunting parties. A person may receive a certificate as a local guide who does not, in the judgment of the commissioners, possess all the necessary qualifications of a general guide, yet is deemed suitable to act as such under certain conditions; and guides may be restricted in the territory in which they are permitted to guide. Every non-resident registered as a guide shall pay a

fee of twenty dollars; the commissioners may at their discretion refuse to issue any certificates of registration after October twentieth of each year, and every certificate issued shall expire with the calendar year. An official badge for guides may be prepared by the commissioners."

Guide law declared to be constitutional. *State vs. Snowman*. '94 Maine Reports, page 99.

LICENSED CAMP PROPRIETORS AND HUNTERS AND TRAPPERS.

Section 29 of chapter 42 of the public laws of 1899, as amended by chapter 186 of the public laws of 1901, (which is section 25 of chapter 30 of the new edition of the revised statutes), provides that,

"No person shall build, occupy, maintain or keep a sporting camp, lodge or place of resort for inland hunting or fishing parties in any place, nor engage in the business of hunting or trapping any of the fur bearing animals of the state in any of the unorganized townships or wild lands of the state without first procuring a license therefor from the commissioners of inland fisheries and game, and paying a fee therefor of five dollars; and he shall make such report to the commissioners as may be called for; but a license to build, occupy, maintain or keep such sporting camp, lodge or place of resort shall not be granted unless the person applying for the same files with his application therefor, the written consent of the owner or owners of the land or his or their agent upon which such camp, lodge or place of resort is or may be located; and such licensed persons may purchase for consumption in their sporting camps, lodges or places of resort, deer lawfully killed, but they shall keep a record of all such purchases, of whom purchased and the date of the purchase, and on December fifteenth of each year shall make written report thereof to the commissioners under oath; whoever violates any of the provisions of this section shall

be fined one hundred dollars and costs for each offense; the commissioners, however, may refuse to issue a license or licenses to such person or persons as they deem unsuitable."

LICENSED MARKETMEN AND PROVISION DEALERS.

Section 42 of chapter 42 of the public laws of 1899, (which is section 23 of chapter 30 of the new edition of the revised statutes), provides that,

"Any marketman or provision dealer, having an established place of business in this state, may purchase and have in his possession at his said place of business not more than three deer, lawfully killed or destroyed, or any part thereof, at one time, and may sell the same at retail to his local customers, provided, however, that said marketman or provision dealer, shall have procured a license of the commissioners of inland fisheries and game to carry on said business of buying and selling deer as aforesaid; and provided further, that said marketman shall record in a book kept for that purpose, and open to the inspection of inland fish and game wardens and the commissioners of inland fisheries and game, the name and residence of each person of whom he purchases any inland fish or game, and the date of such purchase; and if any marketman or provision dealer shall violate the provisions of this section, he shall be fined five hundred dollars for each offense, and be prohibited for five years thereafter from the benefits of this section.

All marketmen or provision dealers licensed as aforesaid shall pay to the commissioners, in cities and towns of over three thousand inhabitants, five dollars annually, and three dollars in all other places; or instead of this fee, the commissioners may, at their discretion, issue licenses authorizing the retailing of deer as above specified, on payment of fifty cents for each deer retailed; said marketmen and provision dealers holding

these licenses shall annually, on December fifteenth, make, sign, and send to the commissioners, under oath, a statement setting forth in detail the number of deer by them bought, and of whom bought, and the date of each purchase, during the time covered by their licenses; and whoever fails to make the report required in this section shall be subject to a penalty of one hundred dollars and costs."

LICENSES TO BUY AND TAN DEER SKINS.

Section 28 of chapter 42 of the public laws of 1899, (which is section 24 of chapter 30 of the new edition of the revised statutes), provides that,

"The commissioners may annually issue licenses to suitable persons to buy and sell, or tan, deer skins lawfully taken. Such persons shall keep a record of all deer skins purchased, of whom purchased, and the date of purchase, and shall report annually to the commissioners. The fee for such license shall be five dollars, to be paid to the commissioners and by them to the state treasurer; and whoever, licensed as aforesaid, unreasonably and wilfully refuses to make such report, shall be punished by a fine of one hundred dollars and costs."

TAXIDERMISTS.

Chapter 222 of the public laws of 1901, (which is section 10 of chapter 30 of the new edition of the revised statutes), provides that,

"The commissioners of inland fisheries and game may, upon application, issue a license to such persons as taxidermists, who, in their judgment, are skilled in that art, of good reputation, and friendly to the fish and game laws of the state; and may also issue licenses to suitable persons, whose numbers shall not exceed fifteen at one time, to take, kill, capture, and have in possession any species of birds other than domestic and the eggs and nests thereof for scientific purposes; and for such licenses the applicant shall pay the sum of five dollars;

but no person thus allowed to take and have in possession birds for scientific purposes, shall sell or offer for sale, or take any compensation for specimens of birds, nests or eggs, or dispose of the same, by gift or otherwise, to be taken from the state, except for exchange of specimens for scientific purposes; and for any violation of the provisions of this section, such persons shall be subject to a fine of not less than ten nor more than fifty dollars. This section, however, shall not authorize the killing of any birds nor the taking of any birds' nests or eggs thereof on Sunday; and the commissioners may, for cause, revoke any license authorized by this section. Taxidermists mentioned in this section may at all times have in their possession, at their places of business, fish and game lawfully caught or killed in open time for the sole purpose of preparing for and mounting the same; and such fish and game, or parts thereof, may be transported to such licensee and retained by him for the purposes aforesaid, under such rules, restrictions and limitations as shall, from time to time, be made by said commissioners and stated in such original license and additions made thereto, from time to time, by said commissioners. Such licenses may be revoked by said commissioners, at any time after notice and an opportunity for a hearing; such licenses shall be for the term of three years, and each person so licensed shall annually, on or before December first of each year, make a detailed, written report to the commissioners of all they have done during the year by virtue of such license; and every licensee or carrier violating any of the provisions of this act, or of the rules, restrictions, or limitations set out in said license and additions thereto, shall, on complaint before any trial justice or municipal or police court, be fined not less than twenty dollars nor more than fifty dollars."

PROTECTION OF FORESTS.

FIRE.

Section 15 of chapter 337 of the public laws of 1885, (which is section 15 of chapter 26 of the new edition of the revised statutes), provides that,

"Whoever kindles a fire on land not his own, without consent of the owner, forfeits ten dollars; if such fire spreads and damages the property of others, he forfeits not less than ten nor more than five hundred dollars, and in either case he shall stand committed until fine and costs are paid, or he shall be imprisoned not more than three years."

Chapter 100 of the public laws of 1891, as amended by chapter 168 of the public laws of 1903, provides that,

"Sec. 1. The state land agent is hereby made forest commissioner of the state of Maine, and in addition to the salary now received by him as land agent, he shall receive as compensation for his services as forest commissioner four hundred dollars per annum, and his actual traveling expenses incurred in the performance of his duties, an account of which shall be audited by the governor and council.

"Sec. 2. The selectmen of towns shall be, ex-officio, forest fire wardens therein and shall divide said towns into three districts, bounded as far as may be by roads, streams of water, or lot lines, and assign to each of their number the charge and oversight of one district as district fire wardens therein. A description of each district and the name of the fire warden thereof shall be recorded with the town clerk. The services of such selectmen acting as said fire wardens, shall be paid for at the same rate as is paid for their official services. It shall be the duty of the fire warden of the district in which a fire is discovered to take such measures as may be necessary for its control or extinction. For this purpose he shall have authority to call upon any persons in the territory in which he acts for assistance; and such

person shall receive such compensation not exceeding fifteen cents per hour as said selectmen may determine, the same to be paid by the town. But no town shall be holden to pay for extinguishing forest fires in any year an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist, and not excused from said service by said forest fire warden on account of sickness, disability or some important business or engagement, shall neglect to comply with any such order he shall forfeit the sum of ten dollars, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

"Sec. 4. It shall be the duty of the forest commissioner to take measures for the prevention, control and extinguishment of forest fires in all plantations and unorganized townships, and to this end, he shall appoint such number of forest fire wardens to patrol the forests as may be necessary to carry out the provisions of this act, assigning to each warden the territory over and within which he shall have jurisdiction. Fire wardens, so appointed, shall hold office during the pleasure of said commissioner, be sworn to the faithful discharge of their duties by any officer authorized to administer oaths, and a certificate thereof shall be returned to the office of said commissioner. Said wardens shall perform such duties, at such times, and under such rules and regulations, as the commissioner may prescribe, and they shall receive as compensation two dollars for each day of actual service. Whenever a fire occurs on, or is likely to do damage to, forest lands within the jurisdiction of any such fire warden he shall take immediate action to control and extinguish the same, and for this purpose forest fire wardens are hereby authorized to summon to their assistance citizens of any county in which said fire may be, and every person so summoned and assisting shall be paid fifteen cents for each hour of service rendered by him. Immediately after the extinguishment of a fire the warden in charge shall make

return, under oath, to the commissioner, of the expense thereof, including the names of the persons so summoned and assisting, with their post office addresses, and the hours of labor actually performed by each. All expense incurred under the provisions of this section shall be paid from the funds appropriated to and for the use of the forest commission."

BEWARE OF LEAVING CAMP FIRES BURNING.

Chapter 100 of the public laws of 1891, section 5, as amended by chapter 251 of the public laws of 1901, (which is section 56 of chapter 5 of the new edition of the revised statutes), provides that,

"Whoever by himself, or by his servant, agent, or guide, or as the servant, agent, or guide of any other person, shall build a camp, cooking, or other fire, or use an abandoned camp, cooking or other fire in or adjacent to any woods in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars, provided that such fires built upon the sea beach in such situation that they cannot spread into forest wood or cultivated lands or meadows, shall not be construed as prohibited by this act. One-half of any fine imposed and collected under this section shall be paid to the complainant."

THE LACEY BILL.

The Act of Congress, approved May 25, 1900, has given new interest to the restrictions imposed by the various states for the protection of game.

This act supplements existing state laws by prohibiting the shipment from one state to another of game or birds killed in violation of local laws, and by subjecting birds and game brought into a state to the same restrictions as those prescribed for game and birds produced within that state.

This law is regarded as one of the most important ones yet enacted in the interests of game and bird protection.

This federal game law, it can readily be seen, is additional protection to existing state game laws. With good laws well executed, the craft of law evader falls into disrepute. This federal game law will prove an additional check to violators of the state game laws.

The violator of the law has heretofore not had much to fear, if the game was once got out of the state, consequently state game laws have not been sufficiently far reaching.

I submit herewith sections 3, 4 and 5 of the Act above referred to for the information of shippers, dealers and others:

"AN ACT TO ENLARGE THE POWERS OF THE DEPARTMENT OF AGRICULTURE, PROHIBIT THE TRANSPORTATION BY INTERSTATE COMMERCE OF GAME KILLED IN VIOLATION OF LOCAL LAWS, AND FOR OTHER PURPOSES.

Sec. 3. It shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one state or territory to another state or territory, or from any state or territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the state, territory or district in which the same were killed: Provided, that nothing herein shall prevent the transportation of any dead birds or animals during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the state, territory or district in which the same are killed.

Sec. 4. That all packages containing such dead animals, birds or parts thereof, when shipped by interstate commerce, as provided in section one of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.

Sec. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies or parts thereof, of any wild game animals, or game or song birds transported into any state or territory, or remaining therein for use, consumption, sale or storage therein, shall, upon arrival in such state or territory, be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

This act shall not prevent any importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl."

APPENDIX .

DRIFT NETS—PENOBSCOT RIVER.

Chapter 453 of private and special laws 1901, provides : Drift nets, of a mesh not less than $2\frac{1}{2}$ inches square, may be used by inhabitants of this state, from 6 o'clock in the afternoon of Wednesday to 6 o'clock in the afternoon of Saturday of each week, during open season, in fishing for and taking salmon in the Penobscot river from the Water Works' dam at Bangor to the mouth of Seboeis river, so called, on the east branch of said Penobscot, provided, however, that no salmon shall be so taken between said points in said river except for the purpose of consumption in the homes of the inhabitants so taking, and that no drift net shall be used within 300 yards of any dam or mill race on said river.

Section 2, chapter 191, private and special laws 1899. If in the judgment of the commissioners of inland fisheries and game, the privileges granted by section one are abused, misused or are detrimental to the proper propagation of the salmon fisheries on any part of the Penobscot river, said commissioners shall have power and are hereby authorized to suspend the operation of this act.

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